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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,994	03/29/2001	Jerome D. Carter	42390P10400	6733

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EXAMINER

PENDLETON, BRIAN T

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,994

Applicant(s)

JEROME D. CARTER

Examiner

Brian T. Pendleton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4,7-12,14-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4,7-12,14-17,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4, 7-9, 12, 14, 15, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornett in view of Garvis. Cornett discloses an apparatus for warning the driver of a vehicle of emergency vehicles comprising microphone M, sensor circuitry SS having band pass filter 10 for filtering the picked-up sound around the siren frequency range (see abstract), and alarm 21 for notifying the vehicle's occupant of an approaching emergency vehicle. Cornett does not disclose notifying the occupant includes broadcasting at least a portion of the sound associated with the emergency vehicle through a portion of a sound system in the vehicle or broadcasting the sound through headphones. Garvis discloses in column 1 lines 28-32 that extraneous sounds of a vehicle can be picked up and recreate over the radio. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to broadcast the sounds from microphone M in the apparatus of Cornett through the vehicle's sound system, per the teachings of Garvis, for the purpose of supplying the driver with siren sounds not heard when the radio is playing. Furthermore, Garvis discloses a headphone sound system comprising microphone 32, interrupt circuit 30, latching circuit 40, amplification circuit 36 and output jack 45 for connection to headphones. **As disclosed in column 4 lines 57-63, extraneous noises are amplified and fed to the headphones in response to the level of the noises picked up by the**

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microphone 32. It was well known to incorporate headphones in vehicles, thus, it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the headphone sound system of Garvis, whereby the headphones broadcast the sound associated with emergency vehicles from a microphone, in the vehicle system of Cornett for the purpose of supplying the driver with sounds of warning signals through earphones. Claim 4 is met. Claim 17 is also met as Cornett detects the occurrence of a particular sound through the use of band pass filter 10 and Garvis supplies the teaching of broadcasting the sound in a vehicle. Regarding claim 19, the combination of Cornett and Garvis discloses a microphone, processing unit (band pass filter 10) and broadcast unit (vehicle speaker system). As to claims 7, 8, 9 and 20, column 4 lines 28-31 of Cornett that band pass filter 10 is constructed to transmit the frequencies covered by American sirens (on emergency vehicles). Per claim 12, Cornett discloses an alarm, which reads on a warning indicator. As to claims 14 and 15, as stated above, Cornett discloses a microphone and a filter 10.

3. Claims 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cornett in view of Garvis as applied to claim 9 above, and further in view of McConnell. The combination of Cornett and Garvis does not disclose that the sound processing includes converting the sound into digital sound. Examiner takes Official Notice that digital processing was well known in the art at the time of invention. It was advantageous to use because it was a more accurate and quicker processing methodology. McConnell et al teach detecting a siren using microphone 1, analog-to-digital converter 4, bandpass filter 5 and a plurality of detectors 9-12 for detecting predetermined patterns of known sirens. Therefore in the same field of

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endeavor it was obvious to use digital signal processing and look for predetermined characteristics (patterns) of the input digital signal for detecting sirens.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cornett in view of Garvis as applied to claim 4 above, and further in view of Wilhelm. The combination of Cornett and Garvis do not teach notifying the occupant of a vehicle by broadcasting a prerecorded message. Wilhelm discloses a method of signaling traffic relevant information such as warning signals from police sirens (see column 3 lines 28-39) to an occupant of a vehicle. The method calls for detecting the information using microphones 1 and in the case of a mobile telephone 12 (portable communication device) disabling its normal function. Read abstract. Column 4 lines 27-32 taught an automatic announcement which is broadcast in the instance of detecting a sound outside of the vehicle. It would have been obvious to one of ordinary skill in the art at the time of invention to produce a prerecorded message to a vehicle's occupants, per the teaching of Wilhelm, in the modified Cornett apparatus, for the purpose of loudly indicating the approach of a warning vehicle.

Response to Arguments

5. Applicant's arguments filed 4/26/04 have been fully considered but they are not persuasive. Applicant asserts that Garvis is non-enabling and does not teach the elements of claim 17. Examiner contends that Garvis taught prior art vehicles that utilized the sound system to broadcast external sounds. One of ordinary skill in the art would have known how to implement such a system, therefore the disclosure of Garvis is enabling. The same rationale applies to claim 19.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Pendleton whose telephone number is (703) 305-9509. The examiner can normally be reached on M-F 7-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



btp



FORESTER W. ISEN
SUPERVISORY PATENT EXAMINER